



# UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

THE ASSISTANT SECRETARY

JAN 8 2009

The Honorable Robert Scott  
Commissioner  
Texas Education Agency  
1701 North Congress  
Austin, Texas 78701

Dear Commissioner Scott:

As we approach our seventh year of implementing the accountability provisions of the Elementary and Secondary Education Act, I want to take a moment to thank you and your colleagues for all your hard work to help realize the goals of the *No Child Left Behind Act of 2001* (NCLB), which has led to real and meaningful improvements in student achievement. These outcomes are due, in no small part, to the efforts of the dedicated educators in your state. We have seen an increased attention on high expectations for every child, an improvement in student performance across the board and a decrease in achievement gaps.

As Secretary Spellings is fond of saying, “what gets measured, gets done.” With that in mind, I want to take this opportunity to update you on the status of some NCLB cornerstones with respect to Texas. Detailed information on specific components of your state’s assessment and accountability system is contained in an attachment to this letter.

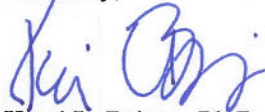
- **Assessment system:** An assessment system that produces valid and reliable results is fundamental to an accountability system that holds schools and districts accountable for educating all students. Information regarding both the reading/language arts and mathematics assessment system used in determining adequate yearly progress for schools and districts in your state as well as details of the 2007–08 administration of science assessments are attached.
- **Accountability components:** The Department’s new Title I regulations provide for greater scrutiny to states’ accountability systems, including establishing a uniform and more accurate measure of calculating high school graduation rate that is comparable across states and requiring that states ensure that statistical measures maximize the inclusion of students and student subgroups in accountability determinations. Hence, the regulations also require that all states submit portions of their Accountability Workbook for peer review. In the attachment to this letter you will find information on Texas’ minimum group size, annual measurable objectives, confidence interval, full academic year definition, and graduation rate.
- **Departmental flexibilities:** Over the past several years, the Secretary has offered several flexibilities to states, such as growth model and differentiated accountability pilots, assessing students with disabilities and recently arrived limited English proficient students, and discretionary grant programs, such as the Teacher Incentive Fund, Enhanced Assessment Grants, and State Longitudinal Data System Grants. I am pleased to note that Texas is participating in several of these endeavors.
  - Growth Model Pilot: The Department recently conditionally approved Texas to use its growth model in making AYP determinations for the 2008–09 school year through 2012–13, provided it is able to demonstrate that it has fully compliant reading/language arts and mathematics assessments prior to making AYP determinations.
  - Teacher Incentive Fund Grants:

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- Houston Independent School District, Total amount: \$9,183,637 (Year 1: \$3,991,330; Year 2: \$2,994,775; Year 3: \$2,197,532)
  - Dallas Independent School District, Total amount: \$11,272,164 (Year 1: \$126,139; Year 2: 777,989; Year 3:\$10,368,036)
  - School of Excellence in Education, Total amount: \$1,396,787 (Year 1: \$684,373; Year 2: \$711,714)
  - University of Texas System, Total amount: \$8,584,601 (Year 1: \$1,438,787; Year 2: \$7,145,714)
- Texas-specific issues: Finally, I'd like to take this opportunity to mention the Memorandum of Agreement between Texas and the Department regarding the revisions to the alternate assessment based on alternate academic achievement standards. I commend you and your staff for working very closely with the Department on Texas' revisions and trust this will continue as Texas continues to make changes in order to have a fully compliant alternate assessment for the 2009–10 school year.

In addition, for your information, I am enclosing a file that provides information across all states on the current assessment status, participation in flexibilities offered by the Department, AYP information, and discretionary grants. I wish you continued success in raising the achievement in Texas. NCLB has focused our attention on closing achievement gaps and increasing the awareness of those students who have often been left behind: economically disadvantaged, limited English proficient, and students with disabilities. I have enjoyed the opportunity to work with you and all your colleagues across the country on such important issues.

Sincerely,



Kerri L. Briggs, Ph.D.

Enclosures

cc: Governor Rick Perry  
Criss Cloudt  
Shannon Housson



## Assessment System

Your assessment system is currently *Approval Pending*. This means that Texas' assessment system does not yet include approved assessments in grades 3-8 and high school in reading/language arts and mathematics. Texas currently has a Memorandum of Agreement with the Department regarding the development of the alternate assessment based on alternate achievement standards. I encourage you to consider whether there are any areas in which the Department can provide or facilitate technical assistance to Texas in meeting the statutory or regulatory requirements or as you consider changes to your current assessment system.

- Texas' science assessments are not yet fully compliant.
  - In 2007–08, the Department required that the state meet four minimal criteria related to the content area of science: have science content standards; have a general and alternate science assessment; include all students in one of the science assessments (i.e., either the general or alternate); and report the results of the science assessments. Texas appears to have met these requirements but still must submit evidence for (1) final participation data demonstrating that all students were included in the assessments; and (2) district-level reports (including school-level information) for the alternate assessment based on alternate academic achievement standards (TAKS-Alt) for science.
  - In 2008–09, the Department will conduct peer reviews of science assessments and expects the assessments to be fully compliant. Beginning with the 2008–09 school year, science assessments will be included in the states' assessment status. For additional detail, please see the enclosed fact sheet.
- I know that Texas submitted evidence regarding your alternate assessment based on modified achievement standards for review from October 25 through November 2. My staff will be sharing the peer notes and formal feedback as soon as possible.
- The lists of evidence that Texas must submit for its various assessments, based on the most recent letters sent to you on May 7, 2008, regarding the alternate assessment based on alternate academic achievement standards, and July 23, 2008, regarding the science assessments, and September 3, 2008, are enclosed with this letter.

## Accountability System

- Minimum group size (the state-defined minimum number of students necessary to have valid and reliable AYP determinations): Texas' minimum group size is the greater of 50 students or 10 percent of enrollment, up to a cap of 200 students. (The average across all states is approximately 30 students.)
- Annual measurable objectives (AMO) (the yearly target for the percentage of students required to be proficient or above for a school to make AYP):
  - 2008–09: Texas' goal for this year is 67 percent of students scoring proficient in reading/language arts and 58 percent in mathematics.
  - AMO type: Texas set its AMOs consistent with the statutory requirements, using a mixed method. This means that Texas' AMOs first increased after three years, then two years, then annually beginning in 2011–2012 through 2013–2014 to reach 100 percent proficient.
- Full academic year definition (for purposes of determining whether a student's score must be included in AYP determinations): In Texas, a student must be enrolled on the last Friday of October in order to be included in AYP determinations.
- Graduation rate:
  - Currently, Texas is using a graduation rate that can be described as a longitudinal cohort rate. Texas divides the number of students that graduated by the number of 1st-time entering 9th graders four years previously, accounting for transfers in and out and deaths.
  - The graduation rate target Texas requires for the district or school to make AYP is 70 percent or some improvement.

- According to the National Governor's Association 2008 report *Implementing Graduation Counts: State Progress to Date, 2008*, Texas had capability of calculating the 4-year rate in 1996.



## **SUMMARY OF ADDITIONAL EVIDENCE THAT TEXAS MUST SUBMIT TO MEET ESEA REQUIREMENTS FOR THE TEXAS ALTERNATE ASSESSMENTS BASED ON ALTERNATE ACADEMIC ACHIEVEMENT STANDARDS**

### **2.0 – ACADEMIC ACHIEVEMENT STANDARDS**

1. Documentation that the state has reported separately the number and percentage of those students with disabilities assessed against alternate achievement standards, those assessed on an alternate assessment against grade-level standards, and those included in the general assessment (including those administered with appropriate accommodations) for the 2007-08 administration of the TAKS-Alt in reading, mathematics, and science.
2. Documentation that skill-level performance on the TAKS-Alt is differentiated in the scoring and achievement-level classification.

### **4.0 – TECHNICAL QUALITY**

1. Additional evidence that the state has documented validity of the TAKS-Alt (in addition to the alignment of the TAKS-Alt with Texas' content standards) as described in the Standards for Educational and Psychological Testing (AERA/APA/NCME, 1999).
  - a. A technical report for the 2008 administration of the TAKS-Alt.
  - b. Evidence that the assessment activities measuring academic content on the TAKS-Alt are not driven by non-academic IEP goals.
  - c. Evidence that the activities selected by teachers on the TAKS-Alt are aligned with the objectives and essence statements.
  - d. Evidence that the cut scores on the TAKS-Alt have been applied to a larger sample of portfolios after the 2007-08 administration to verify that the scores result in appropriate classifications.
  - e. Evidence that score classifications are valid and reliable for the students and subgroups taking the TAKS-Alt.
  - f. Evidence that the activities selected by teachers are aligned with the objectives and essence statement.
2. For the TAKS-Alt, evidence that the state has considered the issue of reliability, as described in the Standards for Educational and Psychological Testing.
  - a. Evidence that Texas has instituted an annual procedure for second rater protocols (or third rater protocols to resolve conflicts) that include at least 50 percent of the scored activities submitted by teachers.
  - b. Evidence that the state has revised the current procedure for second raters to ensure independence of the ratings.
3. Evidence that the state has taken steps, such as bias review of items, to ensure fairness in the development of the TAKS-Alt. Evidence that activities selected by teachers are bias-free.
4. Evidence that the state has established clear criteria for the administration, scoring, analysis, and reporting components of the TAKS-Alt:
  - a. Evidence that the state has developed procedures to certify staff prior to their involvement in the development, administration, and/or scoring of assessment activities.
  - b. Specific timelines and activities related to the state's increased training and support.
5. Evidence that the state conducts monitoring and auditing of assessment development, administration, and scoring of the TAKS-Alt to ensure consistency, comparability, and accuracy (i.e. alignment) of the submissions.
6. Evidence that the state has a process to review a representative sample of individual student assessments across years to monitor that skill and activity selections associated with an essence statement show adequate progression of skill development over time.

7. Studies that include the representativeness of the sample of students taking the TAKS-Alt assessments.

#### **5.0 – ALIGNMENT**

1. Evidence that the alignment study has been replicated with an adequate sample of portfolios that is representative of the population of students taking the TAKS-Alt.
2. A plan with activities and timelines that addresses the issues raised from the new alignment study of the TAKS-Alt.

#### **6.0 – INCLUSION**

1. Participation data for all students with disabilities taking the TAKS (with and without accommodations), TAKS-Alt, and TAKS-M assessments in the spring 2008 administration.
2. A final accommodations manual from 2007-08 showing the list of accommodations and training for test administrators.

#### **7.0 – REPORTING**

1. State and district disaggregated reports after the implementation of the 2007-08 TAKS-Alt administration.

### **SUMMARY OF ADDITIONAL EVIDENCE THAT TEXAS MUST SUBMIT TO MEET ESEA REQUIREMENTS FOR TEXAS' SCIENCE STANDARDS AND ASSESSMENTS**

#### **4.0 – TECHNICAL QUALITY**

1. A plan and a timeline for a consequential validity analysis that would yield data indicative of the intended and unintended consequences produced by the Texas Assessment of Knowledge and Skills (TAKS) science assessments at grades 5, 8, and 10.
2. Evidence on how the state monitors the availability of accommodations during test administration.
3. Evidence of the comparability of the Spanish and English versions of the grade 5 science assessment.

#### **5.0 – ALIGNMENT**

1. A description of the actions that have been taken to address any category that was rated "weak" or "no" alignment (e.g., depth of knowledge at grade 10) in the 2006 Webb alignment study for the TAKS science assessment at grades 5, 8, and 10.

#### **6.0 – INCLUSION**

1. Data that show that all students in the grades tested are included in the science assessments, including the TAKS, TAKS-LAT, TAKS-Alt, and the TAKS-M.



**To support Texas' preparation for the successful completion of the peer review process, peer reviewer comments and staff recommendations have been organized and coded to reflect Critical Elements in the *Standards and Assessments Peer Review Guidance: Information and Examples for Meeting Requirements of the No Child Left Behind Act of 2001 (Revised December 21, 2007 to include modified academic achievement standards)*\***

## **2.0 – Academic Achievement Standards**

1. Documentation of the standard-setting process that includes a detailed description of training provided to the participants, qualification of the judges (see 2.6) and how they were selected, and the materials and activities used to establish the TAKS-M.
2. Evidence that the State, through a documented and validated standards-setting process, approved/adopted modified academic achievement standards for eligible students with disabilities in reading/language arts and mathematics (2.1).
3. Evidence that the State formally approved/adopted modified academic achievement standards in science for each of the grade span 3-5, 6-9, and 10-12 (2.2).
4. Evidence that academic achievement standards (including modified and alternate academic achievement standards, if applicable) include for each content area –
  - a) descriptions of the competencies associated with each achievement level; *and*
  - b) assessment scores (“cut scores”) that differentiate among the achievement levels and a rationale and procedure used to determine each achievement level (2.3).

## **4.0 – Technical Quality**

1. Documentation of validity, including (4.1):
  - a) Evidence of content validity.
  - b) Clarification of the “systematic process” used to reduce the number of items on the TAKS blueprint in order to develop the TAKS-M blueprint showing that the item interrelationships are consistent with the framework from which the test arises.
  - c) Evidence that the State has steps in place to monitor compliance with direction given to LEAs and schools to ensure consistent decision-making related test purposes and student participation.
  - d) Evidence of how the TAKS- M field-tests data impacted the development of the blueprint for the test and the operational forms of the test.
  - e) Evidence that the State has ascertained whether the TAKS-M produces intended and unintended consequences.
2. Evidence that the State has ensured that the TAKS-M is fair and accessible to all eligible students including (4.3):
  - a) Explanation of how the underlying construct is impacted when difficult concepts are explained and new vocabulary introduced in the pre-reading text;
  - b) Clarification of how reading the test items and answer choices is an appropriate modification for all students being assessed using the TAKS-M (a clarification of the Texas definition of reading); and
  - c) Clarification for math, when the appropriate formula is provided, if the modification is a change in where it is provided (at what interval) on the test or if it is not provided at all on TAKS.
3. Results of the review of the Texas Technical Advisory Committee to ensure the consistency of the test forms over time (4.4).

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\* Available at <http://www.ed.gov/policy/elsec/guid/saaprguidance.doc>



4. Evidence of the State's system for monitoring and improving the on-going quality of the TAKS-M (4.5).

#### **5.0 – Alignment**

1. Evidence of the completion of the Webb alignment study that was proposed by the State (5.1).
2. Evidence that the operational TAKS-M assessments and the standards aligned comprehensively, meaning that the assessments reflect the full range of the State's academic content standards (5.2).
3. Evidence that the completed test forms reflect different degrees of cognitive complexity and level of difficulty than the general test while maintaining coverage of the grade-level content standards (5.2).
4. Evidence that demonstrates that the operational TAKS-M assessment reflects both the content knowledge and procedural or process skills (such as the application of knowledge to solve problems, or understanding of scientific method) as represented in the State's academic content standards (5.3).
5. Evidence that demonstrates the same degree of emphasis verified with the reduced number of items as reflected in the state content standards (5.4).
6. Evidence confirming that the assessments yield scores that reflects the full range of achievement implied by the State's modified academic achievement standards (5.5).
7. Evidence that the State has ongoing procedures to maintain and improve alignment between the assessments and standards over time (5.7).

#### **6.0 – Inclusion**

1. Provide evidence that the State's participation data indicate that all students in the tested grade levels or grade ranges are included in the assessment system (e.g., students with disabilities, students with limited English proficiency, economically disadvantaged students, race/ethnicity, migrant students, homeless students, etc.) (6.1).
2. Clarification of how students exempted from the state assessment through Title 19 Pt 2, Chap 101, Subchapter A, Rule 101.5 of the Texas Code (Exhibit 52) meet the requirements for inclusion stipulated in the Federal Register, Part IV, 34 CFR Parts 200 and 300 of Title 1.
3. Evidence that the State established and monitored implementation of clear and appropriate guidelines for developing IEPs that include goals based on content standards for the grade in which a student is enrolled (6.2 2c).

#### **7.0 – Assessment Reports**

1. Evidence that the State report participation and assessment results for all students and for each of the required subgroups in its reports at the school, LEA, and State levels (7.2).
2. Evidence of sample summary reports at the State, LEA and school levels that clearly display results for the TAKS-M, including the number the number of eligible students enrolled or number tested/not tested (7.2).